

Authority: Toronto and East York Community Council Report No. 8, Clause No. 1,
adopted as amended, by City of Toronto on October 26, 27 and 28, 2004
Enacted by Council: October 28, 2004

CITY OF TORONTO

BY-LAW No. 997-2004

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2003 as 317 Dundas Street West.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking spaces*, *grade*, *height* and *lot* and Sections 4(2)(a), 4(5), 4(8), 4(13), 8(2)5., 8(2)7., 8(3) PART I, 8(3) PART III 1. and 12(2) 226. of Zoning By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a building or buildings for a *public art gallery* and *restaurant* uses, and uses *accessory* thereto, on the *lot*, provided that:
 - (a) the *lot* comprises at least those lands delineated by a heavy line on Plan 1 attached hereto and identified as Parcel A, Parcel B and Parcel C;
 - (b) the *total floor area* on the *lot* shall not exceed 45,000 square metres of which not more than 2,880 square metres of *total floor area* shall be used for commercial *accessory* uses to a *public art gallery*;
 - (c) the *total floor area* for *restaurant* uses that are not *accessory* commercial uses to a *public art gallery* shall not exceed 600 square metres;
 - (d) no portion of any building or buildings above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2;
 - (e) the height of any building or structure shall not exceed those *heights*, in metres above *grade*, following the symbol “H” shown on Plan 2, but this paragraph does not prevent the erection or use of:
 - (i) a structure identified in Section 4(2)(a)(ii) of By-law 438-86 provided that:
 - A. the maximum height of the top of the structure is no higher than the sum of 3.0 metres and the *height* limits shown on Plan 2; and
 - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;

- (f) the following building elements and structures are permitted beyond the heavy lines and above the *height* limits shown on Plan 2;
 - (i) cornices, lighting fixtures, awnings, canopies, signs, ornamental elements, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, landscape and public art features;
- (g) none of the provisions of this By-law shall apply to prevent the erection and use of an above *grade* portion of the building or buildings within Area A as shown on Plan 1 and Plan 2;
- (h) none of the provisions of this By-law shall apply to prevent the erection and use of any above or below *grade* portion of the building or buildings within Area B as shown on Plan 1 and Plan 2;
- (i) only the following building elements and structures shall be permitted above the finished ground level of the area identified as Parcel C on Plan 1 and Plan 2:
 - (i) cornices, lighting fixtures, awnings, canopies, signs, ornamental elements, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, wheel chair ramps, landscape and public art features;
- (j) bicycle parking racks shall be provided to accommodate a minimum of 60 bicycle parking spaces on the *lot*;
- (k) a minimum of two *loading spaces - type B* shall be provided and maintained on the *lot*;
- (l) a minimum of 525 square metres of *landscaped open space* shall be provided on the *lot*;
- (m) the owner of Parcel A and Parcel C enters into one or more agreements pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13 to secure the following facilities, services and matters:
 - (i) the implementation and maintenance of a parking strategy satisfactory to the Commissioner of Works and Emergency Services prior to the issuance of a building permit.

2. Definitions:

- (i) The terms set forth in italics, subject to Section 2.(ii) of this By-law, have the same meaning as such terms have in Zoning By-law No. 438-86, as amended; and
- (ii) the following definitions shall apply:

“*grade*” means 96.16 metres Canadian Geodetic Datum;

“*height*” means the vertical distance measured between the *grade* and the highest point of the roof; and

“*lot*” means those lands outlined by heavy lines on Plan 1 attached hereto and identified as Parcel A, Parcel B and Parcel C.

- 3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
- 4. By-law Nos. 282-71, 209-74 and 156-89 of the former City of Toronto are hereby repealed and Section 13 of By-law No. 438-86, as amended, is amended by deleting the following: “By-laws Nos. 282-71, 209-74 and 156-89 respecting 317 Dundas Street West”.

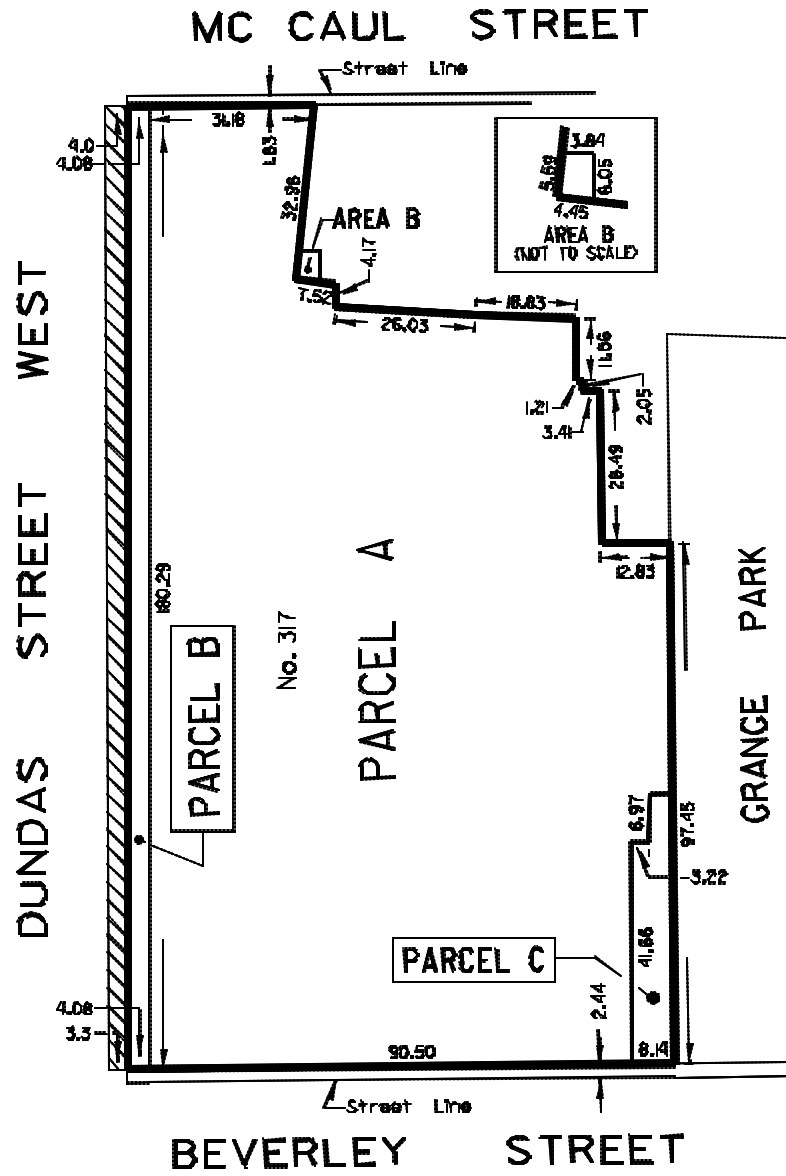
ENACTED AND PASSED this 28th day of October, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN 1

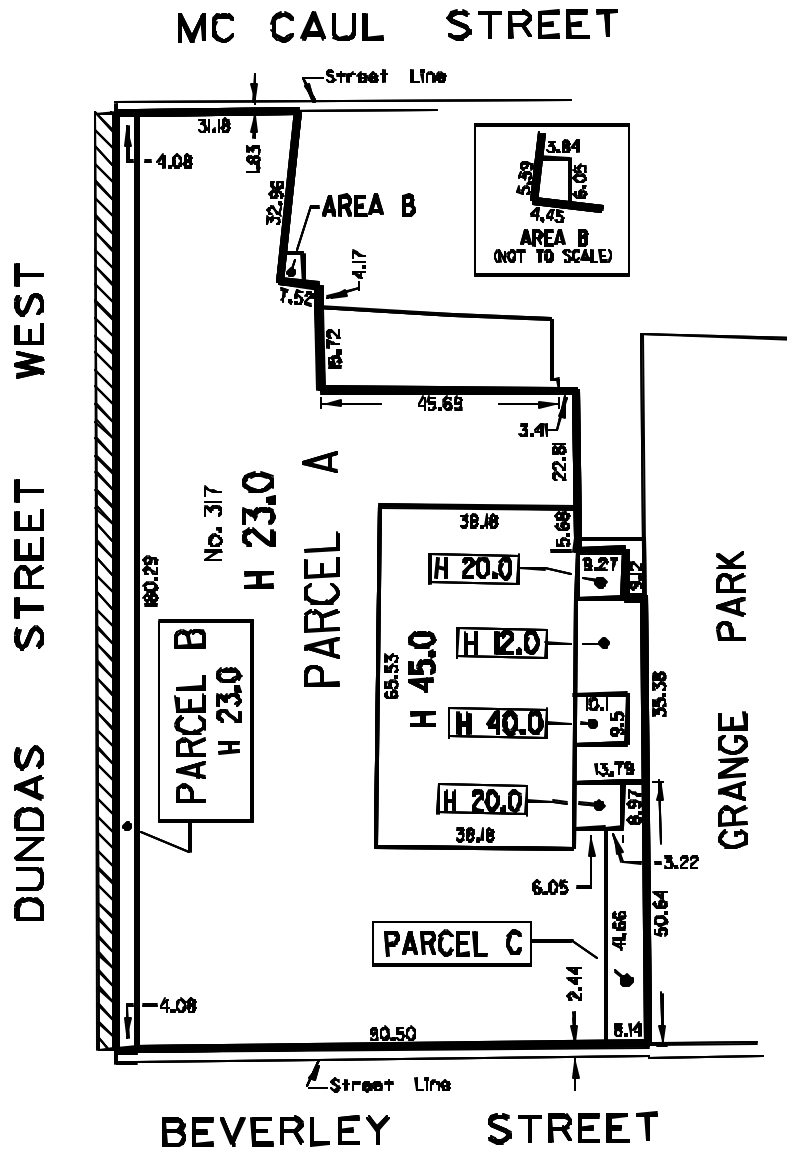


 AREA A



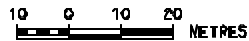
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO OCTOBER 26, 2004
 BLO4/317DUND21.DGN
 FILE: 011-25
 MAP No. 50H-312 DRAWN: DR/VC

PLAN 2



 AREA A

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO: OCTOBER 26, 2004
 BLC4/317DUND2-DGN
 FILE: 011-23
 MAP No. 504-312 DRAWN: DR/VG